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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,475	02/17/2004	Stuart Alan Schweid	D/A2360 690-011198-US(PAR)	1397
2512 PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824	7590 03/18/2008		EXAMINER KASSA, YOSEF	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 03/18/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/780,475	Applicant(s) SCHWEID, STUART ALAN	
	Examiner YOSEF KASSA	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's arguments see the remark on page 8-17, filed on January 16, 2008, with respect to rejections of claims 1-27 have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made on Takashimizu et al (U.S. Patent 5,956,161), and further in view of Kalisiak (U.S. Patent 5,172,907).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashimizu et al (U.S. Patent 5,956,161), and further in view of Kalisiak (U.S. Patent 5,172,907).

With regard to claim 1, Takashimizu discloses a frame (please refer to Fig. 4, item 10, body comprises reading unit); a reader connected to the frame for reading the image on the sheet medium, the image moving relative to the reader in a process direction when the reader reads the image (refer col. 5, lines 24-37 and also refer to Fig. 4, item 400 and 410 reader is connected into the body 10 for reading paper); and a positioning system connected to the frame for positioning the sheet medium (paper skew detection 640 perform the positioning of the paper for reading process) at a predetermined skew angle relative to the process direction (refer col. 62, lines 61-

67). Takashimizu does not disclose expressly for controllably skewing the sheet medium so that the sheet medium is skewed. However, at the same field of endeavor, Kakisiak discloses this feature (refer to col. 6, lines 22-27). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching to Kalisiak's skew compensation system into Takashimizu system. The suggestion/motivation for doing so would have been to provide compensate the skew angle to dispose the sheet in a desired orientation (refer to col. 6, lines 1-6 of Kalisiak). Therefore, it would have been obvious to combine Lee with Takashimizu to obtain the invention as specified in claim 1.

With regard to claim 2, Takashimizu discloses wherein the sheet medium is positioned at the predetermined skew angle when the reader reads the image on the sheet medium (refer col. 62, lines 61-67).

With regard to claim 3, Takashimizu discloses further comprising a processor connected to the reader for receiving from the reader electronic data embodying the image read by the reader (refer col. 90, lines 44-65).

With regard to claim 4, Takashimizu discloses wherein the processor has programming for detecting the skew angle (refer col. 62, lines 47-60).

With regard to claim 6, Takashimizu discloses wherein the processor has programming capable of recognizing the predetermined characteristic of the data position (refer col. 43, lines 18-30).

With regard to claim 7, Takashimizu discloses wherein the predetermined characteristic is that the data portion defines a substantially linear feature oriented in a direction relative to the image read by the reader corresponding to the process direction (refer col. 43, lines 47-59).

With regard to claim 8, Takashimizu discloses, wherein the skew angle is larger than a predetermined threshold (refer col. 63, lines 9-22).

With regard to claim 10, Takashimizu discloses further comprising a processor connected to the reader, the processor being programmed for processing electronic data embodying the image read by the reader so that a final output image is not skewed (refer col. 62, lines 61-67).

Claim 25 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation “a positioning system connected to the frame for controllably skewing the sheet medium so that the sheet medium is skewed at a predetermined skew angle”. However, this limitation taught by Lee (refer to Fig. 2A item 302, and col. 4, lines 60-66).

With regard to claim 26, Takashimizu discloses wherein the detector comprises a processor connected to the reader to receive the electronic data from the reader, and a positioning system for positioning the image in a predetermined attitude relative to a process direction of the reader (refer to 42-54).

With regard to claim 27, Takashimizu discloses wherein the image moves relative to the to the reader in the process direction when the reader reads the image (refer col. 24, lines 27-37).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 9, 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashimizu et al (U.S. Patent 5,956,161), and further in view of Cook (U.S. Patent 6,271,935).

Regard to claim 5, Takashimizu fail to discloses the skew angle is established for providing a data portion, of the electronic data, defining a dirt generated feature with a predetermined characteristic indicating that the data portion defines the dirt generated feature. However, at the same field of endeavor, Cook taught this feature (refer to col. 2, lines 12-21). At the time of the invention was made, it would have been obvious to person an ordinary skill in the art to incorporate the process of removing artifact from an image skewed document taught by Cook into Takashimizu system. The suggestion/motivation for doing so would have been to provide artifact or dirt removing from an image skewed document processed for copying (refer to col. 2, lines 15-20 of Cook). Therefore, it would have been obvious to combine Cook with Takashimizu to obtain the invention as specified in claim 5.

With regard to claim 9, Takashimizu and Cook failed to disclose the skew angle is between about 10 to 50 mrads. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the skew angle is between about 10 to 50 mrads. Applicant have not disclosed that the skew angle is between about 10 to 50 mrads provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the paper supply and transport reading mechanism taught by Takashimizu or the claimed the skew angle is between about 10 to 50 mrads because both perform the same function. Therefore, it would have been obvious to combine to one of ordinary skill in this art to modify Takashimizu to obtain the invention as specified in claims 9.

Claim 11 is analyzed and rejected the same as claims 1 and 5.

Claim 12 is similarly analyzed and rejected the same as claim 5.

With regard to claim 13, Takashimizu discloses wherein the initial orientation of the image has a predetermined relationship to the process direction of the reader (refer to col. 62, lines 42-54).

With regard to claim 14, Takashimizu discloses wherein the processor has programming for determining the skewed orientation of the image from the electronic data (refer to col. 62, line 61-64).

With regard to claim 15, Takashimizu discloses wherein the processor has programming for processing the electronic data so that a final output image is not skewed (refer to col. 62, lines 61-64).

With regard to claim 16, Takashimizu discloses wherein the processor has programming for detecting features defined by the electronic data having a predetermined relation relative to the process direction (refer col. 24, lines 27-37).

With regard to claim 17, Takashimizu discloses features have a substantially linear shape (refer to col. 24, lines 38-50).

With regard to claim 18, Takashimizu discloses wherein the features define at least one line, said line being aligned substantially parallel to an axis of the image corresponding to the process direction (refer to col. 24, 27-37).

Claim 19 is similarly analyzed and rejected the same as claim 5.

Claim 20 is similarly analyzed and rejected the same as claims 1 and 5.

With regard to claim 21, Takashimizu and Cook failed to disclose the slant defines an angle

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between a vertical axis of the image and the process direction of about 10 to 50 mrads. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the slant defines an angle between 10 to 50 mrads. Applicant have not disclosed that the slant defines an angle between 10 to 50 mrads provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the paper supply and transport reading mechanism taught by Takashimizu or the claimed the slant defines an angle between 10 to 50 mrads because both perform the same function. Therefore, it would have been obvious to combine to one of ordinary skill in this art to modify Takashimizu to obtain the invention as specified in claims 21.

Claims 22 and 23 are similarly analyzed and rejected the same as claim 5.

Claim 24 is similarly analyzed and rejected the same as claim 17.

Other Prior Art Cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6059284), (6155561), (6088121), and (5169140) .

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (571) 272-7452. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

03/12/2008.

/YOSEF KASSA/

Primary Examiner, Art Unit 2624